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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,796	08/30/2000	John Underwood	730301-2017	2074
20999	7590	02/08/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER

2157

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/651,796

Applicant(s)

UNDERWOOD ET AL.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to amendment filed on November 23, 2005 where applicant amended claims 1,4,5,12,13,17,24-28. Claims 1-28 are pending. The rejections are as stated below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-28 have been considered but are not persuasive.

3. Applicant argues that Cohen fails to teach presenting "a set of questions based upon a first data entry".

*In reply*, Cohen teaches asking various questions based on input from a merchant to generate a website (column 7 lines 50-65).

4. Applicant argues that Cohen fails to teach generating "a structure of a web site based upon a generated description".

*In reply*, Cohen teaches generating a web site based upon the information (column 8 lines 1-40).

### ***Double Patenting***

5. Examiner acknowledges applicants request to withdraw double patenting rejection. However, the double patenting rejection as outlined in paragraphs 3-7 in office action dated 8/23/2005 will remain until applicants file a terminal disclaimer before any subsequent allowance of the pending application.

***Claim Rejections - 35 USC § 112***

6. The previous 112 second paragraph rejections of claims 4,5 and 17 are withdrawn.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-10,12-22 and 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (U.S. Patent No. 6,263,352).**

9. In reference to claims 1,12,13 and 24-28, Cohen teaches the method, system and a computer program, respectively comprising the steps of:

Receiving a first data entry including selection of an industry type (column 7 lines 50-67);

Generating and presenting one or more questions based at least in part on the selected industry type (column 7 lines 50-65);

Receiving a second data entry in response to the one or more questions (column 7 lines 50-65);

Art Unit: 2157

Determining one or more characteristics for each of one or more web site dimensions in accordance with the first and second data entries (column 7 lines 50-67);

Generating a description, including a structure, of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions (column 7 lines 50-67 & column 8 lines 1-40);

Retrieving web site data including dynamic content data from an external data source in accordance with the generated description of the web site (column 8 lines 30-50);

Generating one or more pages of the web site based upon the description of the web site and the retrieved web site data (column 8 lines 30-60); and

Presenting the generated web site (column 3 lines 45-55 and column 6 lines 5-40).

10. In reference to claims 2 and 14, Cohen teaches the method as claimed in claim 1, wherein the external data source is a web site (column 6 lines 5-30 & 57-67).

11. In reference to claims 3 and 15, Cohen teaches the method as claimed in claim 1, wherein the description defines a format of the dynamic content data (column 7 line 50 – column 8 line 10 and column 8 lines 30-50).

12. In reference to claims 4 and 16, Cohen teaches the method as claimed in claim 3, wherein the format of the pre-created industry content includes a look and feel of the dynamic content data (column 7 line 50 – column 8 line 10 and column 8 lines 30-50).

13. In reference to claims 5 and 17, Cohen teaches the method as claimed in claim 3, wherein the format of the pre-created industry content defined by the generated description is different from a format of the pre-created industry content as retrieved from the external data source (column 7 line 50 – column 8 line 10 and column 8 lines 30-50).

Art Unit: 2157

14. In reference to claims 6 and 18, Cohen teaches the method as claimed in claim 3, wherein the format of the dynamic content data matches a format of the web site (column 7 line 50 – column 8 line 10 and column 8 lines 30-50).

15. In reference to claims 7 and 19, Cohen teaches the method as claimed in claim 6, wherein the format of the web site is defined by at least one of the characteristics of at least one of the web site dimensions (column 3 lines 5-45, column 7 line 50 – column 8 line 10 and column 8 lines 30-50).

16. In reference to claims 8 and 20, Cohen teaches the method as claimed in claim 1, further comprising the step of storing the description of the web site (column 3 lines 10-11 and column 8 lines 20-35).

17. In reference to claims 9 and 21, Cohen teaches the method as claimed in claim 1, wherein the data entry includes one or more user preferences (column 3 lines 1-25 and column 7 lines 50-67).

18. In reference to claims 10 and 22, Cohen teaches the method as claimed in claim 1, wherein the data entry includes one or more user profiles (column 3 lines 1-25 and column 7 lines 50-67).

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**20. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. Patent No. 6,263,352) in view of Burge et al. (U.S. Patent No. 6,014,638).**

Cohen teaches the method of claims 1 and 13 above. Cohen fails to teach wherein the data entry includes one or more navigation histories. However, Burge teaches using navigation history to customize computer displays (column 3, lines 45-67).

It would have been obvious to one having ordinary skill in the art to modify Cohen by making the data entry comprised of navigation histories as per the teachings of Burge so as to customize the web site in accordance with the navigation history.

**21. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2157

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

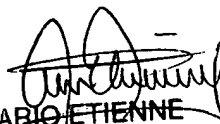
The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

February 3, 2006

  
ARIO ETIENNE  
PRIMARY EXAMINER